IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

PAULS VALLEY HOSPITAL   )
AUTHORITY, d/b/a PAULS   )
VALLEY GENERAL HOSPITAL,   )
)
    Plaintiff,   )
)
v.   )   Case No. CIV-18-826-HE
)
NEWLIGHT HEALTHCARE, LLC.,)
et al.,   )
)
    Defendants.   )

SETTLEMENT CONFERENCE ORDER

The Court sets a settlement conference on September 17, 2018, at 1:30 p.m. All attorneys and client representatives should report to the United States Courthouse, 200 N.W. 4th Street, Oklahoma City, Oklahoma, Room 1301. **Strict compliance with LCvR16.2 is required.** The settlement conference statement and **cover sheet** are to be submitted to the undersigned via email to **Mitchell-Orders@okwd.uscourts.gov** no later than **12:00 p.m., September 14, 2018. The cover sheet should include all parties who will be in attendance along with each party's email address if not previously provided.** In addition, the Court orders:

1.   <u>**FULL SETTLEMENT AUTHORITY REQUIRED:**</u> As stated in LCvR16.2(b), each party must attend with "full settlement authority," defined as follows:

    For a plaintiff, such representative must have final settlement authority, in the representative's discretion, to authorize dismissal of the case with prejudice or to accept a settlement amount down to the defendant's last offer.

    Except as otherwise provided in LCvR16.2(b)(2), the client representative for any entity named as the defendant must have discretion to commit the entity to pay an amount up to the plaintiff's prayer or up to the plaintiff's last demand, whichever is lower.

The purpose of the requirement for full authority is to have representatives present who can settle the case during the course of the conference without consulting a superior.

2.   **SETTLEMENT CONFERENCE STATEMENTS:**

    A.   **Required Statements**

        The settlement conference statements, required under LCvR16.2(d), are due no later than **Friday, September 14, 2018**, at 12:00 p.m. These statements must be served in compliance with the local civil rule.

    B.   **Optional Statements**

        In addition, each party has the option of submitting to the undersigned a confidential memorandum. This statement is not required.   But if submitted, the statement is due **Friday, September 14, 2018**, at 12:00 p.m.

        In the confidential memorandum, the party may include any information that would be helpful for me to know in advance.

3.   **PRE-CONFERENCE MEETING**: To aid in my preparation for the settlement conference, I will extend an opportunity to meet privately with the attorneys for both parties. This meeting is optional for the attorneys. If the attorneys do exercise this option to meet in advance with me, I will be primarily interested in counsel's perception of the negotiations, impediments to the settlement, and objectives for the settlement conference.   If counsel wishes to schedule such a pre-conference meeting, he/she should contact Ms. Lesa Boles at the telephone number listed below.

4.   **EXHAUSTION OF SETTLEMENT NEGOTIATIONS:** The parties may feel that they want to save room to negotiate until the judicial settlement conference. But that is not the function of the judicial settlement conference. Until the parties have exhausted negotiations on their own, neither the attorneys nor the settlement judge can meaningfully assess the impediments to settlement or determine

whether a facilitative or evaluative process should be employed. Thus, mere exchange of offers before the settlement conference is not enough. Instead, the parties should exhaust settlement negotiations prior to the proceeding. **The failure to comply may result in cancellation or rescheduling of the proceeding.**

5.   **RELIEF FROM THE REQUIREMENTS IN LCvR16.2 OR THIS ORDER:** LCvR16.2 states that requests for relief from this rule shall be directed to the settlement judge. For guidance on how to otherwise seek relief from LCvR16.2 or this order, one may contact the courtroom deputy for the undersigned, Ms. Lesa Boles (405-609-5044).

SO ORDERED this 11th day of September, 2018.

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SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE